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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/982,143 | 10/17/2001 | Michael R. Kluth | DC-02883 | 7541 |
| 33438 | 7590 | 03/10/2005 | EXAMINER | |
| HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720 | | | SHAH, KAMINI S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2142 | |
| DATE MAILED: 03/10/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/982,143 | Applicant(s) KLUTH | |
| | Examiner Kamini S. Shah | Art Unit 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/17/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 8, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed first and second security condition is indefinite since, claim recites the insufficient "if" condition without basis for implementing condition. For example, in order for first and second security conditions to be satisfied, the essential step for security condition is needed.

Claim 8 recites "a predetermined condition" which is indefinite since it's never disclosed before.

Claim 9 recites "first password" and "a second password", which are indefinite since they are not distinctly claim the invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Grimm et al US 5,907,815.

Regarding to claimed invention of claim 1, for a computer system capable of communicating with an input device having memory (*i.e., a portable telephone constructed to fit within a portable computer*) comprising:

A Processor; a memory operably coupled to the processor (*i.e. element 164, 182, 172, and 58, figure 13*);

A computer program stored in a memory associated with processor (*i.e. microprocessor 58 contains RAM and ROM memory and flash memory storage system which contain the control and data error programs necessary to adapt computer data for transmission, see col. 13, lines 29-33*);

A set of instruction to provide first decision, wherein the first decision permits data stored in the memory of the input device to be transmitted (*i.e. modem 64, when employed, transmit data over conventional telephone, col. 13, lines 42-50 and modem 74 identical construction and function to the modem 64, and operates and transmit the data stream by means of analog switch, col. 14, lines 18-29*);

A set of instructions configured to provide a second decision, wherein the second decision permits synchronization of data between the memory of a computer system and a memory of the input device (*i.e. modem 64 and modem 74 includes scrambler system which assures the data modulated signal is continuously changing, and this signal change is used by the modem PLL circuitry to provide synchronization, see col. 13, lines 53-57*).

Regarding claims 2 and 3, for casing housing the processor, memory, the recess configured to receive the input device, and docking station in a housing, see figures 9 and 10.

Regarding claim 4, a computer product comprising (*i.e. portable computer 164*):

A set of instruction to provide first decision, wherein the first decision permits data stored in the memory of the input device to be transmitted (*i.e. modem 64, when employed, transmit data over conventional telephone, col. 13, lines 42-50 and modem 74 identical construction and function to the modem 64, and operates and transmit the data stream by means of analog switch, col. 14, lines 18-29*);

A set of instructions configured to provide a second decision, wherein the second decision permits synchronization of data between the memory of a computer system and a memory of the input device (*i.e. modem 64 and modem 74 includes scrambler system which assures the data modulated signal is continuously changing, and this signal change is used by the modem PLL circuitry to provide synchronization, see col. 13, lines 53-57*).

Regarding claims 5-6, and claim 8 for claim 4 further comprising set of instructions configured to display a message if the first and second decision is not satisfied, and if a user attempts to disconnect the input device form the computer system, see *figure 4 and col. 6, lines 60- col. 7, lines 1-41 and col. 8, lines 42-58*

Regarding to claim 7, further recites limitation of claim 4, see *col. 13, lines 53-57*.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9-37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Knockeart et al US 6,622,083.

Regarding claim 9, a method of operating computer system with an associated input device, (see figure 3) comprising: connecting the input device, *see figure 2*; storing first password and second password into a memory, *such as on-board computer includes static storage 222 which is non-volatile storage used to store code and data for the operation of the system, see col. 5, lines 53-57*; and storing data from the computer system into the memory of an input device (*i.e. see col. 5, lines 4-11 such as "upload and "download" feature*).

Regarding claim 10, wherein the input device is a personal digital assistant, see col.6, lines 39-42.

Regarding claims 11, for inserting input device to computer system housing, see fig. 5. and col. 6, lines 29-38.


Regarding claims 12-14, for initiating synchronization of data stored in the memory of the computer system and further comprising touch screen for communication input device to computer system, see fig. 4 and col. 6, lines 57-67.

Regarding claims 15-37, Knockeart et al. clearly anticipates claimed invention as seen in figures 3-9 and col. 6, lines 39-col. 7, lines 1-67, includes features like wireless communication, a radio link.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamini S Shah
Primary Examiner
Art Unit 2142

KSS